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LETTER DATED 22 JULY 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I wish to transmit herewith a letter dated 22 July 1992 from Mr. Ahmad Hussein, Minister for Foreign Affairs of the Republic of Iraq, concerning the letter dated 15 July 1992 addressed to you by the Secretary-General of the United Nations.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

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Annex

Letter dated 22 July 1992 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I have the honour to comment on the letter dated 15 July 1992 addressed to you by the Secretary-General of the United Nations, in which he discussed my letter dated 11 July, contained in document S/24276, as a basis for estimating Iraq's position with regard to the implementation of "a number of Security Council resolutions as well as some other matters". The Secretary-General concluded from what he indicated in his letter that the situation is "an absence of progress in negotiations and lack of cooperation by the Government, on the one hand and a deterioration in security conditions for United Nations and NGO personnel, on the other".

The Secretary-General's letter mentioned, firstly, the implementation of Security Council resolutions 706 (1991) and 712 (1991), as a starting-point for dealing with the question of the negotiations held at Vienna between Iraq and the Secretariat concerning the resumption of the export of Iraqi oil to show that, according to our above-mentioned letter, Iraq had not accepted the conclusions resulting from the latest round of negotiations. In this connection, I wish to recall that the negotiations process that took place between Iraq and the Secretariat was based, from the beginning, on producing an agreement to secure the desired ends of the two sides, in isolation from the two above-mentioned Security Council resolutions. This was our understanding as to the basis of the negotiations. This is still our understanding. Secondly, it must be acknowledged that what I stated in my letter of 11 July in respect of this issue proceeded initially from our understanding of the United Nations Charter provision guaranteeing the right of livelihood to men and consideration of the necessities of ensuring such livelihood in such a way as to realize the humanitarian essence of the Charter. Our letter proceeded from this understanding to discuss the outcome of the negotiations in the most recent formula, which included a very long series of restrictions and complexities affecting the purchase, shipping and distribution of food and drugs, with the accompanying possibilities of impediments, stoppage, surveillance and power of acceptance and refusal from a number of quarters. This renders the benefit to the Iraqi people from the whole process dubious, not to mention that the reality of the above-mentioned process would be the basis for the charge that the embargo against Iraq had been weakened, even though that was not the case. On this basis, we put forward a viewpoint espousing the workable and sound way, a viewpoint that is in accordance with all humanitarian instruments, including the Charter. The main thrust is that Iraq should be permitted to export oil in a normal and regular manner, with an understanding between Iraq and the United Nations as to the percentage of profit to be deducted for the account of the United Nations, in an uncomplicated manner, with the Security Council, if necessary, obliging States not to export a particular kind of goods to Iraq. In this connection, we referred to what had already happened and announced our readiness to restrict, for a particular agreed period, our sales and purchases

from States members of the Council, with whom we had previously dealt. Then they would participate in the adoption of resolutions and the monitoring of their implementation and the propriety of the commercial dealings carried out by Iraq in accordance with commercial principles.

It is truly strange that we observe that the Secretary-General, instead of discussing all this, which we presented with profound and careful appraisal, should merely mention it in a general way without any particulars, claiming that the Secretariat had kept the members of the Council informally abreast of the status of the talks, and that he should ultimately register his view that what had been arrived at did not seem acceptable to Iraq. We wonder, on this occasion, which are the Governments meant by the Secretary-General when he said that the talks were subject to their agreement. Are they the Governments of all the States members of the Council or are they a number of Governments of permanent members? To be precise, is it all of them or certain of them? Does not reality indicate that the Governments meant are no more than one or two of the permanent member States that were the prime movers for all the regressive steps witnessed during the negotiations?

The Secretary-General's letter then turns to another question the tenor of which is that the Special Commission, acting under the explicit rights given to it by the relevant Security Council resolutions, notified the relevant Iraqi authorities of the inspection of certain premises in Baghdad and that the Government of Iraq denied and is continuing to deny up to now access of the inspection team to those premises. The least that can be said in this regard is that what is stated in the Secretary-General's letter represents a rash and vague description and not an accurate statement of the case in question. The inspection team referred to in the letter arrived in Iraq on 26 June and carried out 11 inspections of various sites. The Iraqi authorities did not obstruct its operations. On 5 July the team asked to inspect the premises of the Ministry of Agriculture and Irrigation, and the Iraqi side refused to carry out this provocative request, which represents an arbitrary interpretation of the mandate of the team and the Special Commission and a dangerous precedent aimed at impairment of Iraq's sovereignty. The inspection team put a cordon around the Ministry building, while part of the team continued to carry out additional inspection operations at eight new sites. These facts show that the Iraqi side's objection was not to the team's activities under its mandate but to efforts to exploit the cover of inspection for the purpose of encroaching on our national sovereignty. Unfortunately, these facts found no place in the Secretary-General's description of the situation.

Turning to another point, the Secretary-General's reference to denying the inspection team access to certain premises without specifying that these premises were those of the Ministry of Agriculture and Irrigation and without referring to the reasons and justifications of the Iraqi side for this denial reflects prior intentions to present Iraq as not complying with its obligations and to obscure the clear reasons and logicality of Iraq's refusal.

Iraq has explained the identity of this government building and the activities they house in more than one statement. A few hours after the inspection team's request to enter this Ministry, Iraq invited representatives of the press and international news agencies to visit the Ministry and see its activities and facilities. The following day, the Ministry was visited by representatives of Arab and foreign and diplomatic bodies functioning in Iraq, and they saw over its various parts. Then, in subsequent days, delegations from numerous organizations visited the Ministry. In spite of all these facts, the Secretary-General's letter insists on calling the Iraqi Ministry building "certain premises".

The subject of the building of the Ministry of Agriculture and Irrigation is still awaiting an equitable solution. It is useful that we indicate recent developments that have strengthened the credibility of Iraq's declarations regarding the fact that there is no relation between this Ministry and the requirements of resolution 687 (1991). The Deputy Prime Minister, Mr. Tariq Aziz, conveyed to Mr. Rolf Ekéus, Executive Chairman of the Special Commission, during his meeting with him on 19 July, Iraq's readiness to invite specialists in nuclear, chemical, biological, and ballistic fields from non-aligned countries and neutral countries that were members of the Security Council or from other States to visit the Ministry building, inspect it and see what it contained.

The offer on the part of Iraq revealed the spuriousness of the allegations given currency by some circles influential in the Security Council, which, unfortunately, use the United Nations and its resolutions as a cover for continuing their policies aimed at humiliating and repressing peoples.

The Secretary-General's letter also refers to the question of Iraq's position on the resolutions of the Iraq-Kuwait Boundary Demarcation Commission and the statement of the Security Council issued on 17 June 1992, as well as the question of the non-participation of the Iraqi representative in the sixth session of the Boundary Commission. It appears that the Secretary-General concludes from this stand that Iraq is not cooperating in the work of the Commission. Such a conclusion is totally at variance with the provisions of establishing the Commission and its rules of procedure, which do not compel any party to attend all meetings. Moreover, the Secretary-General is unable to cite any example of Iraq's obstruction of the work of the Commission.

Lastly, the Secretary-General's letter turns to the question of the Memorandum of Understading regulating the Inter-Agency Humanitarian Programme in Iraq. The Secretary-General himself admits that this is not covered by a mandate from the Security Council. Nevertheless, he refers to it. The way in which the Secretary-General's letter deals with this subject also falls short of the full truth. Whenever the Iraqi side engaged in consultations with the Coordinator of the United Nations Programme in the context of the process of agreement on new measures agreed on for the forthcoming phase, he said that the United Nations recognized many new positive developments in the situation. In view of that, these developments must be taken into

consideration. The Iraqi side expressed a number of reservations regarding the way in which the second Memorandum of Understanding, which expired on 30 June 1992, was being implemented, particularly the concomitant administrational, financial and security violations. The underlying reasons for the commission of the above-mentioned violations should be removed. Moreover, all that has been offered by the Programme, aside from any consultations with the competent Iraqi authorities or even the response to certain projects proposed for implementation, constitutes but a slight portion of the actual assistance sought for civilian needs in Iraq generally. Most of it has been earmarked for one area only, for well-known political reasons and in accordance with conditions set by the contributing States, as was admitted by the second Relief Coordinator. For all these reasons, the Iraqi side has asked that a new course be followed and that the United Nations give some thought to the matter.

The position of the United Nations during the period of the talks has remained frozen in the certainty that the project submitted on 2 June contains all the desired principles of the new project, although the project is just a precise copy of the second Memorandum of Understanding, with a partial and simple amendment of a non-essential nature. In the face of this unjustified persistence on the part of an organization that is supposed to be impartial and to act vis-à-vis a State Member of the international Organization in a manner completely different from the way States act in their bilateral negotiating relations, the Iraqi side has submitted a paper with a set of principles for new measures for the purpose of agreement. In spite of the Iraqi side's sustained effort to get a specific reaction from the Secretariat regarding the above-mentioned paper, the Secretariat's position was a mere repetition of what it had previously reiterated regarding its projects. The Iraqi side is still waiting for the Secretariat's reaction regarding the paper which it submitted.

There is another issue worthy of attention in the Secretary-General's letter, namely, the way in which the letter presented what should have been ascribed to the Iraqi side to the Relief Coordinator. In this connection we wish to emphasize that what is stated in the letter is but an attempt at a hasty and careless summary of what is contained in the Secretariat's project, the project which the Iraqi side has discussed in detail and for which it has finally submitted a paper of principles as a substitute.

With regard to visas and travel permits, spoken of in the Secretary-General's letter, it should be recalled that these measures were agreed on in the second Memorandum of Understanding, whose term has expired. Instead, there is now the entry and travel of hundreds of staff in all areas of the country, on the pretext of the implementation of the Programme, to the point where the Programme officials themselves are unable to give a clear and accurate picture of the staffing situation on request. The Ministry of Foreign Affairs has received various, disparate and sometimes contradictory lists regarding the situation of Programme staff. In addition, the Programme would constantly submit, on an almost daily basis, numerous applications for the entry of new staff, changes in staff and re-assignment, all this for a

period of six months, the term of the second Memorandum of Understanding. All this happened at a time when the Programme was supplying only a very small portion of the civilian requirements of Iraqis generally, as we have said. What is the wisdom behind all this? We believe that the Secretary-General should seek clarification of the facts from the parties concerned before passing judgement prematurely and that attention must be paid to the fact that it is the right of any responsible Government in the world today not to allow what has been agreed on to be exploited for purposes not consonant with the agreement.

Lastly, with regard to the security situation to which the Secretary-General's letter refers, we wish to point out that the events that occurred in Baghdad are the subject of attention on the part of the competent Iraqi authorities and that on 20 July the Ministry of Foreign Affairs expressed to United Nations officials its full readiness to provide the desired protection for United Nations personnel, should they so wish.

I request you to inform the members of the Security Council of the above. Accept, Sir, the assurances of my highest consideration.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs
of Iraq